

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DOSHIE ANTOINETTE PHELPS,

Plaintiff,

v.

Case No. 8:19-cv-2968-TPB-JSS

DILLARD'S, INC.,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on July 21, 2021. (Doc. 31). Judge Sneed recommends that “Defendant’s Motion for Involuntary Dismissal with Prejudice and Incorporated Memorandum of Law” (Doc. 22) be granted in part and denied in part. Specifically, Judge Sneed recommends that the action be dismissed without prejudice. Neither Plaintiff nor Defendant filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

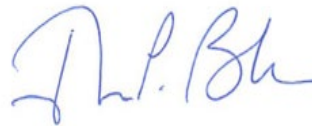
Upon due consideration of the record, including Judge Sneed's report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Sneed's detailed and well-reasoned factual findings and legal conclusions. Consequently, Defendant's motion is granted in part and denied in part, and this action is dismissed without prejudice.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sneed's report and recommendation (Doc. 31) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Defendant's Motion for Involuntary Dismissal with Prejudice and Incorporated Memorandum of Law" (Doc. 22) is **GRANTED IN PART** and **DENIED IN PART**.
- (3) This action is **DISMISSED WITHOUT PREJUDICE**.
- (4) The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 5th day of August, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE